

The Lawyer's Boomerang

A TRUE STORY OF THE SECRET SERVICE

By COL. H. C. WHITLEY Former Chief United States Secret Service



IT NOT infrequently happens that the trials of criminals develop unexpectedly scenes of interest that would form novel situations for the finest dramatic and stage effect.

Counterfeiters are a most difficult class of criminals to detect and convict. The peculiar nature of this crime, the temptation to sudden and easy wealth, is a fatal fascination that oftentimes lays hold of persons possessed of wonderful ingenuity in devising methods to escape punishment. Almost at the beginning of our great Civil war, gold and silver went out of circulation and a vast volume of unfamiliar paper currency was thrust suddenly upon the country. Every note issued by the government was followed so closely by the counterfeiters that the most expert money changers were often unable to tell the good from the bad. In some instances the counterfeit fractional currency was almost, if not quite, equal to the genuine.

The Stanton head fifty cent issue was so cleverly imitated that it passed current for a long time before its base nature was discovered. Circulating principally among the poorer classes, it was doing incalculable damage and I was making a great effort to reach its source, with little or no success up to the time a chance discovery was made.

One day a detective walking leisurely along the sidewalk of an unfrequented street in New York city suddenly found himself face to face with Peter Delinsky, a skilled counterfeiter who had been released from the Albany penitentiary about a year before. Delinsky had been caught by me in the act of printing a counterfeit two dollar bill on the National Kinderhook bank. He gave some valuable information and his sentence had been cut down to three years.

When the detective met him he had on a new suit of fashionable cut. Wearing yellow kid gloves, and carrying a nobby gold-headed cane, he was vulturing quite a swell for an ex-convict. The detective was both curious and suspicious. Where on earth did old Delinsky get that expensive outfit? He was unable to guess. He knew the old man was broke when he got out of the penitentiary, as he had when released called at the Secret Service branch office and taken up a subscription, besides, the old counterfeiter had never been known to engage in any legitimate work. For this reason the detective was quite sure he was doing something crooked, so he just "pulled" the old fellow and escorted him to the office of the Secret Service division on Bleeker street. The government officers in that day rarely took out warrants for the arrest of counterfeiters.

The detective in this case was well posted regarding old Delinsky, and it was only necessary to acquaint him with the fact that the chief was anxious to see him on important business.

When brought to my office he was badly frightened. I took him into a private room where I accused and questioned him, but he stoutly denied that he was engaged in counterfeiting.

"Then what are you doing, and where did you get these fine clothes you are wearing?" I inquired.

The old fellow was unable to answer this question satisfactorily. Taking advantage of his hesitating manner, I pressed him more closely and threatened to send him back to the penitentiary.

He was a Russian and not altogether familiar with the laws of this country. Hence I was able to frighten him. He held out for a long time but finally admitted that he was at work printing the fifty cent Stanton head for a fellow countryman, who, he said, was an engraver. The old printer had been detained at my office two days before he made his confession.

The Russian engraver by whom he was employed became suspicious and threw the hand press upon which the counterfeit notes were being printed into the East river. Delinsky was not aware of this when I released him upon his promise to carry out my instructions and enable the government detectives to seize the counterfeit plates and capture the engraver. When Delinsky returned to the room where the counterfeiting had been done he found the place empty. When he met the Russian engraver he learned the particulars of what had happened, and accounted for his absence by explaining that he had been on a visit with some friends.

The engraver was not altogether satisfied with the excuse, but he was willing to compromise the matter if Delinsky would buy another press to take the place of the one that had been destroyed.

When Delinsky reported the situation to me I sent a detective out to buy a small plate printing press. He employed a wagon and took the press to the room where the printing was to be done. When Delinsky was again ready to begin work the engraver, as

is usual in such cases, brought only the face of the plate. When a certain number of pieces were worked off on this, the engraver was expected to bring the plate for printing the back and take away the face plate. Counterfeiters are always more or less suspicious of one another and have good reason to be. Nearly all of them are treacherous and liable to sell out to the detectives at any time.

I was anxious to secure the counterfeit plates and I did not think it wise to arrest the engraver until I could catch him with the plates complete. I told Delinsky to accidentally mark the face plate. He did this. When the engraver came to inspect the prints he saw the defect and it was agreed between him and the printer that he would go to his home and bring the back plate which Delinsky could be printing from while he himself was touching up the defect on the face.

The news of this move was at once brought to me and three trusty officers were dispatched to watch the house where the printing was being done. Delinsky had furnished a plan of the house, the hall and the stairway leading to the room. Everything necessary was known to the detectives. At what was thought to be the opportune moment the raid was made. One of the detectives gained access through a basement window. He pulled off his boots, slipped softly up the stairs and unbarred the street door. The other officers, shod with gum shoes, now made their way carefully to the room occupied by the counterfeiters. The screws of the lock had been loosened by Delinsky

seemingly on the verge of an unlawful transaction to entrap him.

When he was brought to my office he was wise enough to realize that the chances for his escape were very small. When questioned he confessed everything and promised to plead guilty.

When his case came up in the United States court ex-Judge Stuart was his counsel. He was a criminal lawyer of considerable ability, about seventy-five years of age. He had been practicing law in New York city for many years and was the trusted friend and adviser of many of the most notorious criminals of that day. Tall, raw-boned, solemn faced and deeply sentimental, he could shed crocodile tears copiously while making a plea for his client. I have often been filled with wonderment at the effect produced upon the minds of jurors by this great actor. His tragic voice, his long gray locks and tearful eyes, had an astonishing effect and frequently brought tears even to the eyes of the judge and the stony-hearted lawyers engaged in the prosecution, who were sometimes seen to turn their heads during the dramatic scenes enacted by the old hypocrite while engaged in defending his client.

The evidence introduced in the Russian engraver's case was so strong and overwhelming that anything like a successful defense upon legal grounds appeared quite impossible. Stuart had been at my office and made an effort to secure the Russian's release on his promise to assist in capturing other counterfeiters. But I turned the proposition down and his counsel had said that his client would plead guilty and throw himself upon the mercy of the court. When the case was brought to trial Judge Stuart informed me that his client had changed his mind and had concluded to stand trial. He said the Russian had disregarded his advice and he did not think there was any chance of saving him.

When the case was called and the jury was organized, I saw they were a choice selection of philanthropists. The testimony produced on the trial was more than sufficient to convict; there did not seem to be even a shadow of a chance for the prisoner's

acquittal. There was no dispute about the guilt of the prisoner. His attorney did not introduce any witnesses and the government attorney seemed to think he had everything his own way.

When Judge Stuart's turn came to speak, he arose. His face wore an expression of great solemnity as he mildly said he had been retained to say a few words in behalf of the unfortunate man on trial.

"The prisoner is a stranger in a strange land. He cannot understand nor speak a word of English. He is wholly unacquainted with the laws of

the country. It is true he performed the act charged against him. He is guilty of no crime because he was led to believe by that old counterfeiter Delinsky that the work he was doing was for the government. He did not know that the plate was counterfeit. He is the innocent victim of a plot planned and carried out by the government detectives."

Shaking his finger as he pointed towards the detectives, he declared in a tragic voice that they could not deny the charge he made. He said the chief had acknowledged furnishing the money for the purpose of buying the printing press, the paper and the ink upon which the counterfeit currency was printed.

The jury appeared dazed. While the charge against the Russian was not for printing counterfeiting currency, but for engraving plates for that purpose, the muddled jury did not seem to understand the difference.

The old lawyer saw that he had made a point and he now rested his strangely fascinating eyes upon the jurymen. Raising his long arms above his head he roared with a voice resembling distant thunder.

"My God! Gentlemen of the jury, is this poor, ignorant man to be deprived of his liberty upon the unsupported testimony of these hirelings?"

This as he again shook his long bony forefinger and pointed towards the detectives. Turning partly around he placed his hand tenderly upon the head of the Russian and bade him arise and stand where twelve honest men could look him in the face. Stuart declared he had been employed by the broken-hearted wife of the poor man to say a few words in his behalf.

"For this service I have received no fee, and I wouldn't accept one. This poor man could not tell his own story. For the first time in his life he has been arrested. He does not know a good piece of money from a bad one. He has a wife and family to support."

At this moment a poorly clad woman with tears running down her cheeks stepped forward. Four half-frightened children were hanging to her skirts. The old lawyer took the woman by the hand and turned to the jury as he said:

"This is the wife and children of the unfortunate prisoner. May God help them. If their father is convicted these children will be left to starve and the wife will be compelled to endure the sneers of all who know her. These cunning detectives have pursued this innocent man to the very verge of destruction and it rests with you gentlemen of the jury to save him."

When the old lawyer sat down several of the jurors had their handkerchiefs in their hand and were wiping away their tears. There was silence in the court room when the government attorney arose. He blinked a little as he briefly reviewed the evidence. The judge made his charge and the jury retired to a side room.

After deliberating about five minutes they came back and rendered a verdict of acquittal. The government attorney and detectives were astounded. As soon as the prisoner was discharged he threw his arms around his attorney and kissed him on the cheek. He then shook hands with each of the jurymen, and had they permitted it he would have kissed them. He next embraced his wife and kissed her, and taking up one of the children in his arms the family went out of the court room.

Several days after the trial Judge Stuart came to my office. He was considerably excited when he told me that it had been discovered that the wife and children brought into court as the family of the Russian engraver were not his at all. They were the family of another Russian and had been borrowed for the occasion. The judge put his hand into the inner pocket of his vest and drew out a roll of bills.

"Here," said he, "is the stuff that a scoundrel paid me for defending him."

I saw at a glance that the stuff pulled out by the judge consisted of counterfeit bills on the National Shoe and Leather bank, and I learned that the old lawyer came very near being arrested for passing some of this bogus money. He said he wanted me to catch the rascal and give him fifteen years in the penitentiary.

It was too late—the Russian had fled to Canada.

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